



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 7946/3
Permit Holder:	Subsea 7 Australia Contracting Pty Ltd
Duration of Permit:	2 May 2018 to 2 May 2028

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

PART I – CLEARING AUTHORISED

1. Purpose for which clearing may be done

Clearing for the purpose of subterranean fauna sampling, geotechnical investigations and access tracks.

2. Land on which clearing is to be done

Lot 234 on Plan 193858, Learmonth
Lot 233 on Plan 219618, Learmonth
Lot 253 on Plan 219249, Exmouth Gulf
Lot 1586 on Plan 72986, Exmouth Gulf

3. Area of Clearing

The Permit Holder must not clear more than 8 hectares of native vegetation within the area shaded yellow on attached Plan 7946/3.

4. Application

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

5. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 2 May 2023.

6. Type of clearing authorised

This Permit authorises the Permit Holder to clear native vegetation for activities to the extent that the Permit Holder has the right to access land under the *Land Administration Act 1997* or any other written law.

PART II – MANAGEMENT CONDITIONS

7. Avoid, minimise and reduce the impacts and extent of clearing

In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in order of preference:

- avoid the clearing of native vegetation;
- minimise the amount of native vegetation to be cleared; and
- reduce the impact of clearing on any environmental value.

8. Weed control

When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

9. Retain vegetative material and topsoil, revegetation and rehabilitation

The Permit Holder shall:

- (a) retain the vegetative material and topsoil removed by clearing authorised under this Permit and stockpile the vegetative material and topsoil in an area that has already been cleared.
- (b) at an *optimal time* following clearing authorised under this Permit, *revegetate* and *rehabilitate* the area(s) that are not required to remain cleared by:
 - (i) re-shaping the surface of the land so that it is consistent with the surrounding 5 metres of uncleared land; and
 - (ii) ripping the ground on the contour to remove soil compaction; and
 - (iii) laying the vegetative material and topsoil retained under condition 9(a) on the cleared area(s).

10. Flora management

- (a) Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall engage a *botanist* to inspect the Permit Area for the presence of *priority flora*; and
- (b) Where *priority flora* is identified under Condition 10(a) of this Permit, the Permit Holder shall ensure that no clearing of priority flora occurs, except for priority three species *Corchorus Congener*.

PART III – MONITORING, RECORD KEEPING AND REPORTING

11. Records to be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit:

- (a) In relation to the clearing of native vegetation authorised under this Permit:
 - (i) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
 - (ii) the date that the area was cleared;
 - (iii) the size of the area cleared (in hectares);
 - (iv) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 7 of this Permit; and
 - (v) actions taken to minimise the risk of the introduction and spread of *weeds* in accordance with condition 8 of this Permit.
- (b) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 9 of this Permit:
 - (i) the location of any areas *revegetated* and *rehabilitated*, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
 - (ii) a description of the *revegetation* and *rehabilitation* activities undertaken; and
 - (iii) the size of the area *revegetated* and *rehabilitated* (in hectares).
- (c) In relation to flora management pursuant to condition 10 of this Permit:
 - (i) the location of each *priority flora* species recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees; and
 - (ii) the name of each *priority flora* species identified.

12. Reporting

- (a) The Permit Holder must provide to the CEO on or before 30 June of each year, a written report:
 - (i) of records required under condition 11 of this Permit; and
 - (ii) concerning activities done by the Permit Holder under this Permit between 1 January to 31 December of the preceding calendar year.
- (b) If no clearing authorised under this Permit was undertaken between 1 January to 31 December of the preceding calendar year, a written report confirming that no clearing under this permit has been carried out, must be provided to the CEO on or before 30 June of each year.
- (c) Prior to 2 February 2028, the Permit Holder must provide to the CEO a written report of records required under condition 11 of this Permit where these records have not already been provided under condition 12(a) of this Permit.

DEFINITIONS

The following meanings are given to terms used in this Permit:

botanist: means a person who holds a tertiary qualification in environmental science or equivalent, and has a minimum of 2 years work experience in identification and surveys of flora native to the bioregion being inspected or surveyed, or who is approved by the CEO as a suitable botanist for the bioregion;

direct seeding means a method of re-establishing vegetation through the establishment of a seed bed and the introduction of seeds of the desired plant species;

fill means material used to increase the ground level, or fill a hollow;

mulch means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation;

local provenance means native vegetation seeds and propagating material from natural sources within 100 kilometres and the same Interim Biogeographic Regionalisation for Australia (IBRA) subregion of the area cleared.

optimal time means the period November to December for undertaking *planting*;

planting means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species;

priority flora means those plant taxa described as priority flora classes 1, 2, 3, 4 or 5 in the *Department of Parks and Wildlife's Threatened and Priority Flora List for Western Australia* (as amended);

regenerate/ed/ion means re-establishment of vegetation from in situ seed banks and propagating material (such as lignotubers, bulbs, rhizomes) contained either within the topsoil or seed-bearing *mulch*;

rehabilitate/ed/ion means actively managing an area containing native vegetation in order to improve the ecological function of that area;

revegetate/ed/ion means the re-establishment of a cover of *local provenance* native vegetation in an area using methods such as natural *regeneration*, *direct seeding* and/or *planting*, so that the species composition, structure and density is similar to pre-clearing vegetation types in that area;

weeds/s mean any plant -

- (a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
- (b) published in a Department of Parks and Wildlife Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.



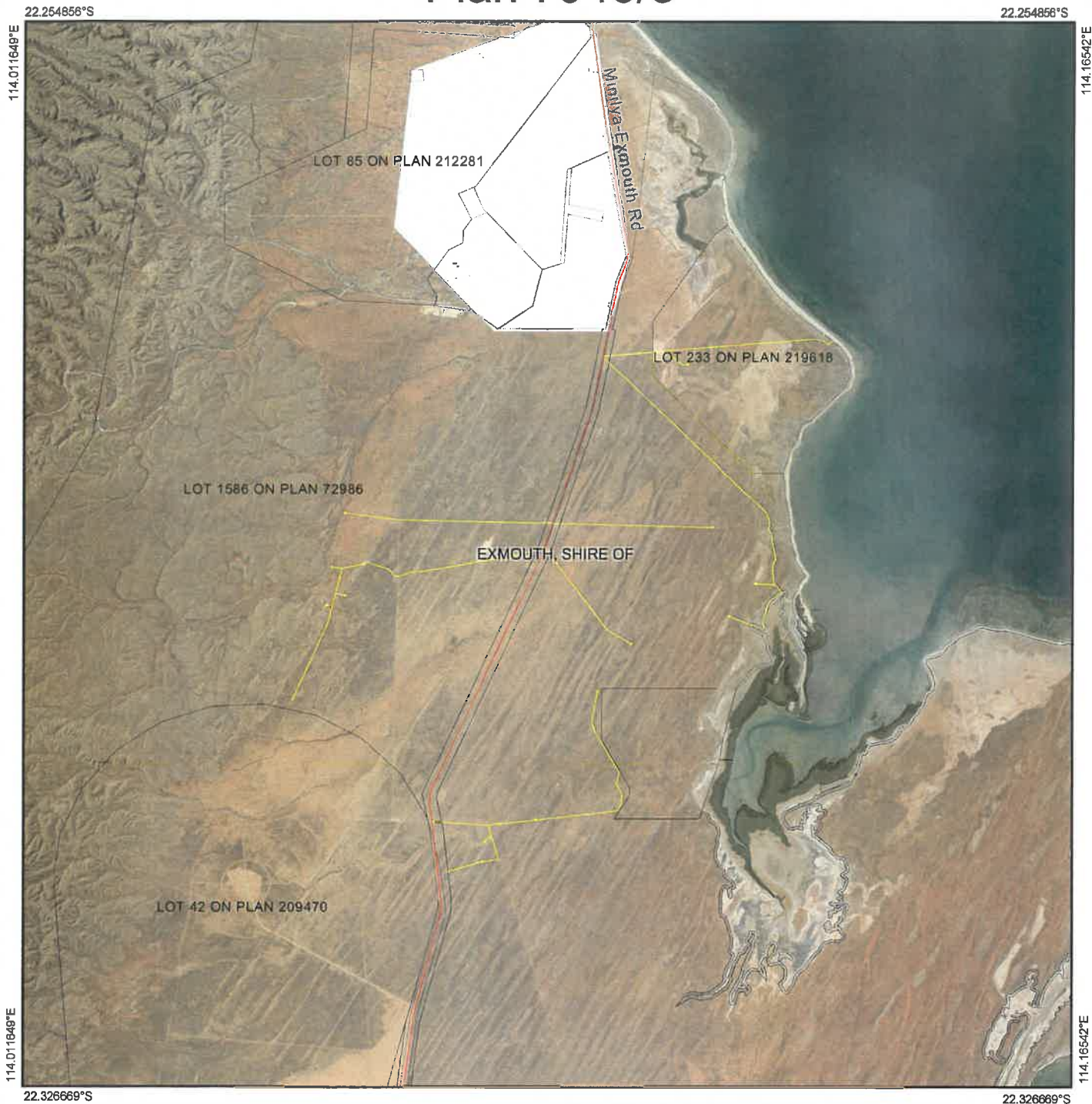
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Adrian Wiley
SENIOR MANAGER
NATIVE VEGETATION REGULATION




*Officer delegated under Section 20
of the Environmental Protection Act 1986*

6 September 2018

Plan 7946/3



Legend

-  Imagery
-  Clearing Instruments Activities
-  Local Government Authority




1:84,019

(Approximate when reproduced at A4)
GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

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Officer with delegated authority under Section 20 of the Environmental
Protection Act 1986



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Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 7946/3
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Subsea 7 Australia Contracting Pty Ltd
Application received date: 24 August 2018

1.3. Property details

Property: LOT 253 ON PLAN 219249, EXMOUTH GULF
LOT 234 ON PLAN 193858, LEARMONTH
LOT 233 ON PLAN 219618, LEARMONTH
LOT 1586 ON PLAN 72986, EXMOUTH GULF
Local Government Authority: SHIRE OF EXMOUTH
Localities: EXMOUTH GULF and LEARMONTH

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
8		Mechanical Removal	Geotechnical investigations

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 6 September 2018
Reasons for Decision: This amendment has been made to amend Condition 10(b) of the clearing permit and to alter the proposed clearing area on the Plan.

In accordance with condition 10(a), the Permit Holder commissioned a botanist to undertake a pre-clearance survey to identify priority flora. The pre-clearance survey identified 1,200 locations of Priority 3 species *Corchorus congener*. The majority of these plants are located outside of the application area and where possible the applicant has avoided clearing this species, however some individuals can not be avoided.

The Delegated Officer determined that the proposed clearing of individual *Corchorus congener* located within the application area will not be significant to the conservation of the species.

2. Site Information

Clearing Description

The application is to clear eight hectares of native vegetation (within a 19.86 hectare footprint) within Lot 233 on Deposited Plan 219618, Lot 234 on Deposited Plan 193858, Learmonth and Lot 253 on Deposited Plan 21949 and Lot 1586 on Deposited Plan 72986, Exmouth Gulf, for the purpose of undertaking a subterranean fauna sampling program and geotechnical investigations (Figure 1).

Vegetation Description

The application area has been mapped as the following Beard vegetation associations:

- 117: Hummock grasslands, grass steppe; soft spinifex
- 662: Shrublands; Acacia sclerosperma & snakewood scrub (also with some waterwood)
- 663: Hummock grassland; shrub steppe; mixed acacia scrub & dwarf scrub with soft spinifex & *Triodia basedowii*

(Government of Western Australia, 2018)

Vegetation Condition

Completely Degraded; No longer intact, completely/almost completely without native species (Keighery, 1994).
To
Very Good; Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).

3. Assessment of application against clearing principles

This amendment has been made to amend Condition 10(b) of the clearing permit and to alter the proposed clearing area on the Plan.

On 14 August 2018 this Permit was amended to implement the Minister for Environment's appeal determination (Reference C020/17). The Minister determined that the clearing permit should be amended to include a condition requiring the permit holder to, in the event priority flora is located within the application area, avoid such species by adjusting tracks and drill pad locations within the approved clearing footprint area. In accordance with this condition the permit holder commissioned a botanist to undertake a pre-clearance survey to identify priority flora. The pre-clearance survey identified 1,200 locations of Priority 3 species *Corchorus congener* containing approximately 2,395 individual plants. The majority of 1,200 locations are located outside of the application area (360 Environmental, 2018).

Corchorus congener is a disturbance species occurring in dense populations at disturbed areas, especially along the verge of proposed tracks within the application area (360 Environmental, 2018).

Given the extensive distribution of *Corchorus congener* the applicant has determined that it could not be compliant with condition 10(b) of the clearing permit. The applicant has advised that the majority of the access tracks and drill pads can be cleared without clearing any *Corchorus congener*, however there are a somesites where it cannot be avoided.

The applicant has provided the following advice in regards to their actions taken to avoid *Corchorus congener*:

- A botanist, hydrologist, project manager and earthworks contractor have been mobilised to site to inspect all track and bore locations and marked out all P3 species occurrence with orange tape to assist with avoidance measures;
- All sites have had tracks marked with white survey stakes, any *Corchorus* species found ~5m from proposed track has been highlighted with orange survey tape, as an additional control to avoid any clearing of the species;
- A large number of the bore locations were re-located onto the existing track to reduce any requirement to clear any vegetation, drill pads that are not on existing tracks have been tailored to suit each site and have been reduced from the original 25m x 25m where possible; and
- Two onsite monitors have been walking ahead of the clearing machinery to ensure that no marked P3 *Corchorus congener* plants are cleared. (360 Environmental, 2018).

Advice was sought from the Department of Biodiversity, Conservation and Attractions (DBCA) in regards to the impact of clearing *Corchorus congener*. DBCA advised that "*Corchorus congener* has been identified as widespread within the application area and therefore should be still well represented even if some individual cannot be avoided. Therefore the proposed clearing should not be significant to the conservation of the species" (DBCA, 2018).

In accordance with DBCA advice condition 10(b) of the clearing permit has been amended to allow the clearing of *Corchorus congener*.

A reassessment against other clearing principles which are not relevant to this amendment has not been undertaken. An assessment of the clearing principles can be found in Clearing Permit Decision Report CPS 7946/1.

Planning instruments and other relevant matters

The assessment against planning instruments and other matters has not changed and can be found in Clearing Permit Decision Report CPS 7946/1.

4. References

- 360 Environmental (2018) Emails supporting Clearing Permit Application CPS 7946/3. Received on 23/08/2018 and 28/08/2018 (DWER Ref: A1717118 and A1717131).
- Department of Biodiversity, Conservation and Attractions (DBCA) (2018) Advice received in regards to Clearing Permit Application CPS 7946/3. Received on 31/08/2018 (DWER Ref: A1716003).
- Government of Western Australia. (2018). 2017 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of December 2017. WA Department of Biodiversity, Conservation and Attractions. <https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics>.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.